

## Message Text

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ORIGIN L-03

INFO OCT-01 ARA-06 ISO-00 EB-07 CIAE-00 INR-07 NSAE-00

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DRAFTED BY L/ARA:DAGANTZ

APPROVED BY L/ARA:DAGANTZ

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FM SECSTATE WASHDC

TO AMEMBASSY LIMA IMMEDIATE

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E.O. 11652: N/A

TAGS: BDIS, EIND, PE

SUBJECT: APPLICABILITY OF "GREENE AGREEMENT"

REF: LIMA 5718

1. IN DEPT'S VIEW, MATTER RAISED REFTEL DOES COME WITHIN SCOPE OF GREENE AGREEMENT. ACCORDING TO INFORMATION PROVIDED REFTEL (AND CONFIRMED IN TELECON WITH CERRO'S NEW YORK LAWYERS) CIDECSA BECAME A SUBSIDIARY OF CERRO DE PASCO IN 1973 AND WAS THUS COVERED BY JANUARY 1, 1974 EXPROPRIATION. THIS VIEW IS REENFORCED BY ACTION OF TAX DEPARTMENT IN PRESENTING BILL TO CENTRALMIN AS SUCCESSOR OF CERRO DE PASCO.

2. GREENE AGREEMENT APPLIES TO PERUVIAN BRANCH OF CERRO DE PASCO CORPORATION (ARTICLE 1, ANNEX A). ARTICLE 5 APPLIES TO ALL SUBSIDIARIES OR AFFILIATES OF THE US NATIONALS COVERED IN ARTICLE 1 AND THEIR PRESENT OR FORMER OFFICIALS, THUS INCLUDING DR. DE PIEROLA. GOP'S OBLIGATIONS UNDER ARTICLE 5, INCLUDING DECLARATION REGARDING TAX  
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LIABILITIES, EXTEND, INTER ALIA, TO ALL LEGAL ACTIONS "AFFECTING THE NATURAL OR JURIDICAL PERSONS" REFERRED TO EARLIER IN THE ARTICLE. TAX CLAIM AGAINST CERRO DE PASCO SUBSIDIARY (CIDECSA) IS COVERED; MOREOVER, IT SEEMS OBVIOUS

THAT TAX CLAIM AGAINST CIDECSA DOES "AFFECT" CERRO DE PASCO.

3. FACT THAT DR. DE PIEROLA WAS NOT A CERRO EMPLOYEE AS OF THE TIME OF SIGNATURE OF GREENE AGREEMENT IS NOT CONTROLLING, AS ARTICLE 5 OF THE AGREEMENT REFERS BOTH TO PRESENT AND TO FORMER OFFICIALS.

4. EMBASSY AUTHORIZED TO TRANSMIT DEPT'S VIEW REGARDING APPLICABILITY OF GREENE AGREEMENT TO THIS MATTER TO GOP. INGERSOLL

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## Message Attributes

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